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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/814,359

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Mark Pyle

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EXAMINER

WENDELL, ANDREW

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/814,359	Applicant(s) PYLE ET AL.	
	Examiner Andrew Wendell	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 5-6, 8-20 objected to because of the following informalities: eMLPP, WPS, UL, ISD, ISD-ack, and UL-ack should be spelled out in the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Hartsell et al. (US Pat Appl# 2002/0065864).

Regarding claim 1, Hartsell et al. method for resource tracking in information management environments teaches receiving a code (Section 0293) (the station receives the class of service or quality of service code from the communicating device); and distinguishing different telecommunication services in response to receiving the code (Sections 0011 and 0295-0299) (The class of service or quality of service have different services i.e. bandwidth usage, speed, priority, etc. based on the customers profile that is sent from the device).

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Regarding claim 2, Hartsell et al. teaches wherein the code is a supplementary code (Section 0293) (the code that is received contains communications services).

Regarding claim 3, Hartsell et al. teaches wherein the telecommunication services are priority services (Sections 0011 and 0295-0299) (The class of service or quality of service have different services i.e. bandwidth usage, speed, priority, etc. based on the customers profile that is sent from the device).

Regarding claim 4, Hartsell et al. teaches wherein at least one of the priority services includes a priority services capability parameter (Sections 0011 and 0295-0299) (i.e. bandwidth usage, speed, priority, etc).

Regarding claim 7, Hartsell et al. teaches wherein at least one of the priority services is a hybrid service (Section 0237).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartsell et al. (US Pat Appl# 2002/0065864) in view of Aschir (US Pat Appl# 2002/0071444).

Regarding claim 5, Hartsell et al. method for resource tracking in information management environments teaches the limitations in claim 1. Hartsell et al. fails to teach an eMLPP service.

Aschir's method for setting up weighted communication links teaches wherein at least one of the priority services is an eMLPP service (Section 0002).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate an eMLPP service as taught by Aschir into Hartsell et al. method in order to improve setting up priority levels in communication links (Section 0003).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartsell et al. (US Pat Appl# 2002/0065864) in view of Hitzeman (US Pat Appl# 2003/0220115).

Regarding claim 5, Hartsell et al. method for resource tracking in information management environments teaches the limitations in claim 1. Hartsell et al. fails to teach a WPS service.

Hitzeman's method for mitigating impact on non-privileged users of potential resource limitations in a communication system teaches wherein at least one of the priority services is a WPS service (Section 0003).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a WPS service as taught by Hitzeman into Hartsell et al. method in order to improve resource limitations on lower priority users (Sections 0004-0005).

7. Claims 8, 11, 14-15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartsell et al. (US Pat Appl# 2002/0065864) in view of Haumont et al. (US Pat# 6,955,918).

Regarding claim 8, Hartsell et al. method for resource tracking in information management environments teaches generating a message including a priority services (class of service and quality of service, i.e. bandwidth usage, speed, priority, etc) designation (Sections 0011, 0293, and 0295-0299). In Hartsell's method the protocol of exchanging messages is unknown. Hartsell fails to teach an ISD, ISD-ack, and UL-ack message procedure.

Haumont et al. serving network entity relocation teaches quality of service (Col. 2 lines 35-53) and a procedure of generating a UL message 207 (Fig. 2); receiving an ISD message in response to generating the UL message 210 (Fig. 2); generating an ISD-ack message in response to receiving the ISD message 211 (Fig. 2); and receiving a UL-ack message in response to generating the ISD-ack message 212 (Fig. 2).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate an ISD, ISD-ack, and UL-ack message procedure as taught by Haumont et al. into Hartsell et al. method in order to simplify relocating a serving network entity (Col. 5 lines 28-42).

Regarding claim 11, the combination including Hartsell et al. teaches a message including hybrid service information (Section 0237).

Regarding claim 14, combination including Hartsell et al. teaches a message including hybrid service information (Section 0237).

Regarding claim 15, Hartsell et al. teaches receiving a message including a priority services (class of service and quality of service, i.e. bandwidth usage, speed, priority, etc) designation (Sections 0011, 0293, and 0295-0299). In Hartsell's method

the protocol of exchanging messages is unknown. Hartsell fails to teach an ISD, ISD-ack, and UL-ack message procedure.

Haumont et al. serving network entity relocation teaches quality of service (Col. 2 lines 35-53) and a procedure of receiving a UL message 207 (Fig. 2); generating an ISD message in response to generating the UL message 210 (Fig. 2); receiving an ISD-ack message in response to receiving the ISD message 211 (Fig. 2); and generating a UL-ack message in response to generating the ISD-ack message 212 (Fig. 2).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate an ISD, ISD-ack, and UL-ack message procedure as taught by Haumont et al. into Hartsell et al. method in order to simplify relocating a serving network entity (Col. 5 lines 28-42).

Regarding claim 18, the combination including Hartsell et al. teaches a message including hybrid service information (Section 0237).

8. Claims 9, 12, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartsell et al. (US Pat Appl# 2002/0065864) in view of Haumont et al. (US Pat# 6,955,918) as applied to claim 8 above, and further in view of Aschir (US Pat Appl# 2002/0071444).

Regarding claim 9, Hartsell et al. method for resource tracking in information management environments in view of Haumont et al. serving network entity relocation teaches the limitations in claim 8. Hartsell et al. and Haumont et al. fail to teach an eMLPP information message.

Aschir's method for setting up weighted communication links teaches a message including eMLPP information (Section 0002).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate an eMLPP information message as taught by Aschir into an ISD, ISD-ack, and UL-ack message procedure as taught by Hartsell et al. in view of Haumont et al. method in order to improve setting up priority levels in communication links (Section 0003).

Regarding claim 12, Aschir further teaches a message including eMLPP information (Section 0002).

Regarding claim 16, Aschir further teaches a message including eMLPP information (Section 0002).

Regarding claim 19, Aschir further teaches a message including eMLPP information (Section 0002).

9. Claims 10, 13, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartsell et al. (US Pat Appl# 2002/0065864) in view of Haumont et al. (US Pat# 6,955,918) as applied to claim 8 above, and further in view of Hitzeman (US Pat Appl# 2003/0220115).

Regarding claim 10, Hartsell et al. method for resource tracking in information management environments in view of Haumont et al. serving network entity relocation teaches the limitations in claim 8. Hartsell et al. and Haumont et al. fail to teach a WPS information message.

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Hitzeman's method for mitigating impact on non-privileged users of potential resource limitations in a communication system teaches the UL message including WPS information (Section 0003).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a WPS information message as taught by Hitzeman into an ISD, ISD-ack, and UL-ack message procedure as taught by Hartsell et al. in view of Haumont et al. method in order to improve resource limitations on lower priority users (Sections 0004-0005).

Regarding claim 13, Hitzeman further teaches a message including WPS information (Section 0003).

Regarding claim 17, Hitzeman further teaches a message including WPS information (Section 0003).

Regarding claim 20, Hitzeman further teaches a message including WPS information (Section 0003).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Wendell

Patent Examiner

Date: 1/30/2006

Duc Nguyen

**DUC NGUYEN
PRIMARY EXAMINER**

ASW